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E.O. 12958: DECL: 11/04/2019
TAGS: [KACT](#) [MARR](#) [PARM](#) [PREL](#) [RS](#) [US](#) [START](#)
SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA (SFO-GVA-VI):
(U) FOURTH MEETING OF THE TREATY TEXT AND DEFINITIONS
WORKING GROUP, OCTOBER 27, 2009

Classified By: A/S Rose E. Gottemoeller, United States
START Negotiator. Reasons: 1.4(b) and (d).

- ¶1. (U) This is SFO-GVA-VI-033.
- ¶2. (U) Meeting Date: October 27, 2009
Time: 3:00 - 5:30 P.M.
Place: U.S. Mission, Geneva

SUMMARY

¶3. (S) The fourth meeting this session of the Treaty Text and Definitions Working Group (TTDWG) was held at the U.S. Mission on October 27, 2009. The U.S. Delegation walked through new U.S.-proposed joint draft text (JDT) of treaty Article VIII (data base requirements), dated October 26, ¶2009. The working group attempted to remove brackets in the JDT and reach consensus on agreed language.

¶4. (S) The sides made progress in resolving differences in the JDT, despite a Russian complaint about the short time for study. The most important issue to emerge from the discussion was the Russian desire not to publicly release any data exchanged under the aegis of the new treaty. The U.S. side agreed to provide a revised draft that would clean up the text and incorporate Russian-proposed reformulations of text from the paragraphs dealing with use of the Nuclear Risk Reduction Centers and public release of memorandum of understanding data.

15. (S) SUBJECT SUMMARY: The Russian Delegation Needs More Time to Study; and, U.S.-Proposed JDT of Article VIII.

THE RUSSIAN DELEGATION
NEEDS MORE TIME TO STUDY

16. (S) Mr. Koshelev opened the meeting and noted that the revised U.S.-proposed JDT, dated October 26, 2009, was delivered the night before the TTDWG meeting and requested that the U.S. Delegation provide documents well in advance of these meetings to allow ample time to prepare.

U.S.-PROPOSED JDT
OF ARTICLE VIII

17. (S) Mr. Siemon explained that the revised U.S.-proposed formulation for the structural aspects of the JDT covered common ground between the sides and would set precedential language for the rest of the treaty text. He walked through Article VIII beginning with the paragraph on the requirement to maintain a data base on items subject to treaty limitations and made the following points:

- The differences in Paragraph 1 are structural only and will be resolved when the structure for the treaty and its supporting elements are determined.

- We should consider developing a common approach to the title and structure of the second tier document currently referred to as the "protocols" in the U.S.-proposed text and referred to as "sections of the Annex" in the Russian-proposed text. This would remove a significant number of brackets throughout the draft text. We plan to give you a proposal to do that by the end of the week to use for referring to this difference throughout the treaty text.

18. (S) Siemon moved to the paragraph on the requirement for each Party to notify of changes in data and made the following points:

- The United States prefers "its" over "their" in the Russian Federation's formulation because, in English, it is better when referring to "each Party."

- The United States proposes its formulation for the reference to subparagraph 3(a) because it is more concise and much simpler. This can also be resolved in conforming as well, so that the approach used throughout the treaty is consistent.

- The United States, instead of using "required by" accepts the Russian formulation "provided for in..." This is consistent with the formulation used in START.

- The last set of brackets reflects the difference in structure for the treaty, and will be resolved later. This could be used in second tier documents.

19. (S) Koshelev said there was no difference in the Russian language and the bracketed text had no impact. He offered the floor to Ms. Kotkova, who suggested that the brackets in the first part of the paragraph should be removed. Siemon agreed that the brackets could be removed and commented that the change was similar to a conforming issue.

10. (S) Moving on to the paragraph that specifies which data to notify, Siemon made the following points:

- The United States has adopted the Russian sentence structure for the first sentence of paragraph 3, which eliminates the need to refer to "notifications" at the beginning of each subparagraph.

- We also believe it is necessary to stipulate that the notifications required under paragraph 3 will be tied to the requirements specified in the Notifications Protocol, Section IV to the Annex.

- We noted that we do not have parallel construction and the United States could accept the addition of bracketed Russian text to reflect the differing reference positions. The revised text would read "... in accordance with the ((Notification Protocol))1, keep U.S. brackets and add Russian Federation brackets ((Sections IV and V of the Annex to this Treaty))2 regarding:"

¶11. (S) Regarding paragraph 3, subparagraph (a) on MOU data, Siemon made the following points:

- This paragraph provides a guide to the location of

notifications in the second tier document.

- It is important to specify at the beginning of the sentence that the data referred to in subparagraph (a) is the data associated with the treaty, rather than toward the end of the sentence as proposed by Russia. It is the same language, but in different places.

- The next set of brackets reflects the differences in structure that will be resolved later.

- Regarding the last part of the paragraph, we have no objection to the concept for only exchanging warhead data twice each year, but believe that should be described in the Protocol or Annex, whichever we will call it.

¶12. (S) Koshelev, after a short break to study the U.S. proposal for Paragraph 3, sub-paragraph (a), said that the Russian side could accept the U.S.-proposed language.

¶13. (S) Siemon continued on with the paragraph on movement of items and made the following points:

- First, we have a question. What is the Russian rationale for including "between declared facilities" at the end of the first sentence? This formulation is different from the U.S. formulation as well as similar language from START, and could raise questions as to its meaning. You don't have to answer now but it will help to remove the brackets.

- The United States believes that the timeline for movements should be included in the tier two document instead of in Article VIII. We also propose including this provision in Article IV of the treaty with the time limit on "transits."

¶14. (S) Koshelev had no objection to the U.S.-proposed formulation. Ryzhkov agreed and commented that the second part of the paragraph regarding movement of SOAs between facilities could be moved to Article IV. Koshelev was pleased to note that there were no brackets remaining in subparagraph (b).

¶15. (S) Combining subparagraphs (c) and (d) on ballistic missile flight tests and telemetry, Siemon made the following points:

- We both agree that including flight tests as a category of information for notifications is appropriate, but we do not agree on what to do about telemetry notifications. We moved telemetry notifications to a separate bracketed subparagraph (d) as a U.S. position until the telemetry issue is resolved.

¶16. (S) Siemon made the following points about subparagraph (e) on conversion or elimination:

- The first difference is that we should use the formulation "provided for in," which is the same text used in

paragraph 2, which the United States has agreed to.

- The United States can accept the Russian formulation "as well as" instead of the original U.S. proposal of "or,"

and can drop "subject to this treaty" at the end of the subparagraph.

¶17. (S) Koshelev responded that the differences were linguistic and offered to make the text shorter and make it read "((e))1 ((d))2 conversion or elimination of items subject to the limitations provided for in this Treaty or elimination of facilities...." Siemon noted that the sides had agreed to subparagraph (e).

¶18. (S) Regarding subparagraph (f) (cooperative measures (CM) enhancing NTM), Siemon highlighted that the text was consistent with the U.S. proposal to retain the use of cooperative measures in the new treaty. Ryzhkov said that the Russian Federation had problems with retaining this concept. He argued that CMs were of little benefit to the Russian Federation because they did not give an accurate picture of the location of U.S. heavy bombers. The Russian Federation did not gain any insight from CMs into the location of heavy bombers that were not at the base. He further described the difficulties Russia had with the requirement to ready the mobile launchers for display during the CM period. Ryzhkov opined that the United States could gain the same information from space system surveillance without the need for CMs, thereby not disrupting the operations of the affected facilities. He noted that there would be enough transparency of Russian SOA through the use of movement notifications and inspections in addition to NTM surveillance.

¶19. (S) Siemon noted that subparagraph (f) should stay as bracketed U.S. text and moved on to subparagraphs (g) and (h) (new types and new kinds of SOA). He made the point that it was important to provide notifications concerning any new kinds of strategic offensive arms, in addition to notifications for new types. He noted that the text proposed by the Russian side did not include a provision for notifications for new kinds and new types of SOA.

¶20. (S) Koshelev asked Siemon to clarify what the U.S. side meant by "new kinds and new types." Siemon explained that new types of SOA would be new ICBMs, SLBMs or heavy bombers. He said that new kinds would be a new SOA that did not currently exist, such as a directed energy weapon.

¶21. (S) Siemon said the "new type, new kind" concepts existed in START and the United States wanted to approach the proposed text in a manner that could be agreed upon by both Parties. Adm Kuznetsov pointed out that there was no definition for new kinds of SOA in the draft treaty. He said, if the sides used the term, the definition should be included in the Terms and Definitions. Siemon said that the U.S. side would consider the need for a definition of "new kind."

¶22. (S) Koshelev admitted that the "new type, new kind" concepts existed under START, but noted that the Parties never had new kinds of SOA. He asked a rhetorical question about whether it was practical to specify the "new kind" concept into a 10-year document. Koshelev noted that this language had already been introduced within the BCC article and that it would be up to the commission to identify what would be a new kind of SOA. He said that placing such

language into Article VIII would be redundant.

¶23. (S) Siemon said that the U.S. side would look into Koshelev's comments and then moved on to subparagraph (i) on inspections, visits and continuous monitoring. He said that the subparagraph should begin with "inspections" and the brackets could be removed. Koshelev clarified that only the

first set of brackets could be removed, not the last two. Koshelev said Russia intended to keep the brackets around the phrases "visits, and exhibitions" as well as "and continuous monitoring activities."

¶24. (S) Siemon noted that the U.S. side accepted the Russian-proposed paragraph on providing additional notifications on a voluntary basis and moved the discussion to the U.S.-proposed paragraph on using the NRRCs to provide and receive notifications, and provided the following points:

- The United States can accept the Russian formulation for the beginning of the first sentence in Paragraph 5; however, we prefer the U.S. formulation for the remainder of the sentence.

- The United States does not believe it is necessary to refer to the agreement that established the Nuclear Risk Reduction Centers (NRRCs). The United States proposes this reference be provided in the tier two document, either the Annex or Protocol. The U.S. formulation provides for the key elements of the NRRCs Agreement, including the requirement to acknowledge receipt within one hour, without bringing in the Agreement itself, which is not necessary and could be modified over time, potentially making the reference outdated. The formulation proposed here is similar to that used in START.

¶25. (S) Ryzhkov said that the Russian side agreed that the NRRC language was redundant since it was already provided in the NRRC Agreement. He made the point that continuous satellite communication used by the NRRCs was very expensive and that internet technologies were cheaper and would meet the new treaty's communication requirements. He proposed to delete most of the text in Paragraph 5 and revise it to read "In order to provide and receive notifications, each Party shall use the Nuclear Risk Reduction Centers ((, which provide for continuous communication between the Parties, to provide and receive notifications in accordance with the Notification Protocol,))1 unless otherwise provided for in this Treaty ((, and to acknowledge receipt of such notifications no later than one hour after receipt))1."

¶26. (S) Mr. Dean questioned the Russian side's characterization of the Paragraph 5 text being redundant. He stated the need to have an affirmation of message receipt within one hour and that the NRRC would be used for this purpose. Dean noted that if the one-hour requirement were removed, it would omit an important obligation of the Parties.

¶27. (S) Koshelev agreed with Dean's point and suggested the sides should move the text and timing of the notification to the Notifications Protocol.

¶28. (S) After a short break to study Ryzhkov's proposed change to Paragraph 5, Siemon said the U.S. side proposed to

move the notification timing details to tier two and would respond soon with suggestions to resolve this issue.

¶29. (S) Siemon noted that the sides were already in agreement with the inclusion of text regarding the releasability of data to the public in this Article by making the following points:

- The United States agrees with Russia on including this paragraph in the text, but recommends that it be augmented to include key elements from Annex J on the releasability of information. This is something that the Chairmen of the MOU Working Group have discussed moving to the body of the treaty.

- A brief point on the paragraph; we prefer to retain the basic formulation used in the START Treaty.

¶30. (S) Siemon noted that the paragraph incorporated new language and said there was discussion in the MOU Working Group to move all of Annex J material into other areas of the

treaty, for example, to the Inspection Protocol.

¶31. (S) Koshelev believed that the sides agreed that detailed issues should be moved elsewhere in the treaty. He proposed revised language to read "The Parties shall not release to the public in any form the data which became known within the implementation of this Treaty unless otherwise agreed."

¶32. (S) Ryzhkov reinforced the point that the requirement not to release sensitive data was important. He used the timing of the release of information requirements under the JCIC as an example of the significance of the issue.

¶33. (S) The Russian formulation needed further review. He noted that the United States had many statutes about the release of certain information to the public and the Senate would want to know what information could and could not be released.

¶34. (S) Ries emphasized that the U.S. side fully understood the Russian side's point on the importance of protecting sensitive information, but the United States had an obligation to release information that was not sensitive.

¶35. (S) Siemon noted that it was clear that the sides did not desire to release sensitive information to the public, but certain things should be released. He said the U.S. side would study the Russian-proposed language to see if it had an adequate degree of protection. Ries commented that it would be helpful if the Russian side would provide its formulation for clarity. Koshelev offered to do so.

¶36. (S) Siemon moved to the final paragraph in Article VIII on releasability of aggregate numbers of nuclear warheads and made the following points:

- The United States proposes the inclusion of paragraph

¶7. This language was originally proposed in the U.S.-proposed Annex J to the MOU, which the MOU Working Group Chairmen discussed moving into the treaty text.

- This paragraph authorizes release to the public the

six-month updates on the aggregate levels of warheads. The United States believes this level of information is important to release to the public to help demonstrate activity associated with implementing obligations relating to Article VI of the NPT.

¶37. (S) Siemon noted that the information proposed by this paragraph for release to the public twice each year was already exercised by the United States under the auspices of the Moscow Treaty. He reminded the Russian side that the aggregate warhead levels was unclassified by the United States but remained classified by the Russian Federation. He said the United States asked the Russian side to consider release of this information to the public.

¶38. (S) Koshelev requested clarification on whether the United States intended to release the information every six months for just the United States or for both Parties. Siemon said the U.S. side believed that both Parties should release the information. Koshelev noted that the phrase "may be released" did not constitute an obligation and the Russian Federation maintained the requirement to classify this information, but did not object to the United States releasing its own information. Koshelev went on to clarify that Article VI of the NPT did not have an obligation to provide the information to the international community.

¶39. (U) Documents exchanged. None.

¶40. (U) Participants:

U.S.

Amb Ries
Lt Col Comeau
Mr. Connell
Mr. Dean
Dr. Dreicer
Mr. Dunn
Dr. Fraley
Mr. Siemon
Mr. Taylor
Mr. Vogel
Mrs. Zdravecky
Mr. Shkeyrov (Int)

RUSSIA

Mr. Koshelev
Ms. Fuzhenkova
Col Kamenskiy
Ms. Kotkova
Adm Kuznetsov
Mr. Melikbekian
Col Novikov
Col Ryzhkov
Mr. Smirnov
Gen Venevtsev
Mr. Vorontsov
Col Zaitsev
Ms. Komshilova (Int)

141. (U) Ries sends.

GRIFFITHS